

STATE OF CALIFORNIA  
COMMISSION ON  
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING



TIME: 10:00 a.m.

DATE: Thursday, October 23, 2008

PLACE: Burbank Marriott Hotel and Convention  
Center  
2500 Hollywood Way  
Burbank, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



Reported by:

Daniel P. Feldhaus

California Certified Shorthand Reporter #6949

Registered Diplomate Reporter, Certified Realtime Reporter

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A P P E A R A N C E S

COMMISSIONERS PRESENT

DEBORAH LINDEN  
(*Commission Chair*)  
City of San Luis Obispo

MICHAEL SOBEK  
(*Commission Vice-Chair*)  
San Leandro Police Department

GEORGE ANDERSON  
Attorney General's Office

ANTHONY BATTS  
Long Beach Police Department

COLLENE CAMPBELL  
Memory of Victims Everywhere

ROBERT T. DOYLE  
Marin County Sheriff's Department

FLOYD HAYHURST  
Los Angeles County Sheriff's Department

RONALD LOWENBERG  
Golden West College Criminal Justice Training Center

JEFFREY LUNDGREN  
Riverside County Sheriff's Department

JOHN MCGINNESS  
Sacramento County Sheriff's Department

GIL VAN ATTENHOVEN  
California Narcotic Officers' Association



A P P E A R A N C E S

POST STAFF PRESENT

PAUL CAPPITELLI  
Executive Director  
Executive Office

RON CROOK  
Director, Television Communications Center  
Specialist, Training Program Services Bureau

ALAN DEAL  
Assistant Executive Director  
Standards and Development Division

FRANK DECKER  
Bureau Chief  
Basic Training Bureau

MICHAEL DiMICELI  
Assistant Executive Director  
Field Services Division

JOHN DINEEN  
Bureau Chief  
Center for Leadership Development

BRYON GUSTAFSON  
Law Enforcement Consultant  
Training Program Services Bureau

KAREN HIGHTOWER  
Administrative Assistant  
Executive Office

MICHAEL HOOPER  
Bureau Chief  
Training Program Services Bureau

THOMAS LIDDICOAT  
Bureau Chief  
Administrative Services Bureau

RICHARD REED  
Assistant Executive Director  
Administrative Services Division

**A P P E A R A N C E S**

**POST STAFF PRESENT**

*Continued*

DARIA ROWERT  
Executive Secretary  
Executive Office

CHARLES SANDOVAL  
Law Enforcement Consultant  
Training Delivery and Compliance Services Bureau

VINCENT SCALLY  
Legal Counsel

GARY SORG  
Law Enforcement Consultant  
Training Program Services Bureau

DAVE SPISAK  
Bureau Chief  
Information Services Bureau

BOB STRESAK  
Public Information Legislative Liaison

KENNETH WHITMAN  
Special Consultant  
Executive Office



**AUDIENCE MEMBERS PRESENT**

RAMON BARBOA  
Governor's Office of Homeland Security

ALEX BERNARD  
POST Advisory Committee Member  
Public Member

GREG BLOCK  
Self-Defense Firearms Training

DAVID BOUWKAMP  
FAAC, Inc.

A P P E A R A N C E S

AUDIENCE MEMBERS PRESENT

*Continued*

CHARLES BROBECK  
POST Advisory Committee Member  
Public Member

GARY CAMPBELL  
Force 100

MARIO CASAS  
POST Advisory Committee Chair  
California Coalition of Law Enforcement Associations

RON COTTINGHAM  
Peace Officers' Research Association of California

JOEL DAVIS  
Irvine Police Department  
Orange County Training Managers Association

CHUCK DEAKINS  
FAAC, Inc.

MICHAEL DURANT  
Peace Officers' Research Association of California

JOE FLANNAGAN  
POST Advisory Committee Member  
Peace Officers' Research Association of California

RALF FOWLER  
NEOGOV Corporation

ROBERT S. FULLER  
Retired, POST

JODY GONZALEZ  
Costa Mesa Police Department  
Orange County Training Managers Association

MARK KEENEY  
Fresno Police Department

A P P E A R A N C E S

AUDIENCE MEMBERS PRESENT

*Continued*

LAURA LORMAN  
POST Advisory Committee Member  
Women Peace Officers' Association of California

BILL MARTIN  
FAAC, Inc.

JEFF MILLER  
POST Advisory Committee Member  
California Police Chiefs' Association

BRENT NEWMAN  
POST Advisory Committee Member  
California Highway Patrol

JACKY PARKS  
Fresno Police Officers Association

SCOTT RATE  
Los Angeles Police Protection League

DON RUIZ  
California Organization of Police and Sheriffs

JULIE SCHUPAK  
Self-Defense Firearms Training

TIM STEHR  
Chief, Burbank Police Department

JOE STILINOVICH  
Long Beach Police Department

MICHELLE THOMPSON  
San Diego Regional Training Center

NICKI WOODS  
POST Advisory Committee Vice-Chair  
California Organization of Police and Sheriffs



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1                   Thursday, October 23, 2008, 10:00 a.m.

2                   Burbank, California

3                   --o0o--

4           CHAIR LINDEN: Good morning, everyone. If you could  
5 take your seats, we'll call the meeting to order.

6           It's Thursday, October 23rd. This is the meeting of  
7 the POST Commission. And we will start with our Color  
8 Guard and Flag Salute.

9           Please stand.

10           *(The Pledge of Allegiance was recited.)*

11          CHAIR LINDEN: Please remain standing while we  
12 salute the officers that have lost their lives since our  
13 last meeting: Sergeant Paul Starzyck from the Martinez  
14 Police Department; Officer Spree DeSha from the Los  
15 Angeles Police Department; Officer Brad Moody from the  
16 Richmond Police Department.

17          I'd like to also acknowledge the men and women who  
18 lost their lives in the horrific train collision that  
19 took Officer DeSha's life in Los Angeles.

20          Let's please have a moment of silence to honor these  
21 officers.

22           *(Moment of silence)*

23          CHAIR LINDEN: Thank you.

24          Please remain standing for the retreat of the  
25 Colors.

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1           *(Retreat of Colors)*

2           CHAIR LINDEN:   And how about a big hand for our men  
3 and women from the Los Angeles County Sheriff's  
4 Department.

5           *(Applause)*

6           CHAIR LINDEN:   Please be seated.

7           Karen, may we have a roll call of our commissioners,  
8 please?

9           MS. HIGHTOWER:   Linden?

10          CHAIR LINDEN:   Here.

11          MS. HIGHTOWER:   Batts?

12          COMMISSIONER BATTS:   Here.

13          MS. HIGHTOWER:   Bui?

14          *(No response)*

15          MS. HIGHTOWER:   Campbell?

16          COMMISSIONER CAMPBELL:   Here.

17          MS. HIGHTOWER:   Doyle?

18          COMMISSIONER DOYLE:   Here.

19          MS. HIGHTOWER:   Hayhurst?

20          COMMISSIONER HAYHURST:   Here.

21          MS. HIGHTOWER:   Lowenberg?

22          COMMISSIONER LOWENBERG:   Here.

23          MS. HIGHTOWER:   Lundgren?

24          COMMISSIONER LUNDGREN:   Here.

25          MS. HIGHTOWER:   McGinness?

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1 COMMISSIONER MCGINNESS: Here.

2 MS. HIGHTOWER: Perea?

3 *(No response)*

4 MS. HIGHTOWER: Smith?

5 *(No response)*

6 MS. HIGHTOWER: Sobek?

7 COMMISSIONER SOBEK: Here.

8 MS. HIGHTOWER: Van Attenhoven?

9 COMMISSIONER VAN ATTENHOVEN: Here.

10 MS. HIGHTOWER: Anderson?

11 COMMISSIONER ANDERSON: Here.

12 MS. HIGHTOWER: We have a quorum.

13 CHAIR LINDEN: Thank you.

14 And let's start with audience introductions,  
15 starting to our far left front, please.

16 MR. HOOPER: Mike Hooper, POST staff.

17 MR. FLANNAGAN: Good morning. Joe Flannagan, POST  
18 Advisory Committee.

19 MR. MILLER: Jeff Miller, POST Advisory Committee,  
20 representing California Police Chiefs Association.

21 MS. LORMAN: Laura Lorman, POST Advisory Committee,  
22 representing the Women Peace Officers Association of  
23 California.

24 MS. ROWERT: Daria Rowert, POST staff.

25 MR. BERNARD: Alex Bernard, POST Advisory Committee.

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1 MS. WOODS: Nicki Woods, POST Advisory Committee,  
2 also president of California Organization of Police and  
3 Sheriffs.

4 CHIEF STEHR: Tim Stehr from Burbank Police  
5 Department.

6 MR. NEWMAN: Brent Newman, POST Advisory Committee,  
7 representing CHP.

8 MR. WHITMAN: Ken Whitman, POST staff.

9 MR. RUIZ: Don Ruiz, retired Montebello P.D., also  
10 Director of Field Operations, California Organization of  
11 Police and Sheriffs.

12 MR. STRESAK: Bob Stresak, POST staff.

13 MS. SCHUPAK: Julie Schupak, POST presenter #1024.

14 MR. BLOCK: Greg Block, POST presenter.

15 MR. STILINOVICH: Joe Stilinovich, Long Beach PD.

16 MR. SORG: Gary Sorg, POST staff.

17 MS. THOMPSON: Michelle Thompson, San Diego Regional  
18 Training Center.

19 MR. GUSTAFSON: Bryon Gustafson, POST staff.

20 MR. KEENEY: Mark Keeney, Fresno Police Department.

21 MR. PARKS: Jacky Parks, President, Fresno Police  
22 Officers Association.

23 MR. COTTINGHAM: Ron Cottingham, President of Peace  
24 Officers Research Association of California.

25 MR. DURANT: Mike Durant, Vice-President of Peace

1 Officers Research Association of California.

2 MR. RATE: Scott Rate, L.A. Police Protective  
3 League.

4 MR. DiMICELI: Mike DiMiceli, POST staff.

5 MR. REED: Dick Reed, POST staff.

6 MR. LIDDICOAT: Tom Liddicoat, POST staff.

7 MR. FOWLER: Ralf Fowler, NEOGOV Corporation.

8 MR. BARBOA: Ramon Barboa from the Governor's Office  
9 of Homeland Security.

10 MS. SPISAK: Ed Spisak, POST staff.

11 MR. DAVIS: Joel Davis, Irvine PD, representing  
12 president of Orange County Training Managers Association.

13 MS. GONZALEZ: Jody Gonzalez, Costa Mesa PD, Orange  
14 County Training Managers Association.

15 MR. CAMPBELL: Gary Campbell, observer.

16 MR. DEAL: Alan Deal, POST staff.

17 MR. SANDOVAL: Charles Sandoval, POST staff.

18 MS. DINEEN: John Dineen, POST staff.

19 MR. FULLER: Bob Fuller, POST, retired.

20 MR. BROBECK: Charles Brobeck, Advisory Committee.

21 MR. DECKER: Frank Decker, POST staff.

22 CHAIR LINDEN: And would the people who just joined  
23 us in the room please introduce themselves?

24 MR. DEAKINS: Chuck Deakins, FAAC, Incorporated.

25 MS. BOUWKAMP: David Bouwkamp, FAAC, Incorporated.

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1 MR. MARTIN: Bill Martin, FAAC, Incorporated.

2 CHAIR LINDEN: Thank you.

3 And, Karen, did you get that Commissioner Doyle is  
4 with us as well? Is he in part of the --

5 MS. HIGHTOWER: Yes.

6 CHAIR LINDEN: Thank you.

7 It's my pleasure to introduce Chief Tim Stehr from  
8 the Burbank Police Department who will give us the  
9 welcoming address.

10 Chief?

11 CHIEF STEHR: Thank you.

12 CHAIR LINDEN: And I did contribute to your economy  
13 at Ikea last night. Helping any way I can.

14 CHIEF STEHR: Very good. Thank you.

15 I would like to welcome everyone, Commissioners, to  
16 the beautiful city of downtown Burbank. Although that  
17 phrase was coined, as you know, from The Tonight Show,  
18 which is leaving our fair town. But I believe that  
19 phrase will probably stick with us, and we hope that will  
20 happen.

21 I've had the great fortune of being the chief of  
22 police for just over a year in the City of Burbank.  
23 Actually, had it not been for one of your commissioners  
24 sitting on my oral panel, I probably wouldn't be here  
25 today.

1           But I was just talking to some of the people about  
2           how long I've been on. And it seems unbelievable that  
3           I've got my 30-year pin and I turned 50. And all the  
4           chiefs in the room know that you feel pretty good because  
5           you're kind of bulletproof if you do something really bad  
6           or something goes wrong in your city, it gets a lot more  
7           comfortable when you're 50 years old.

8           But I was thinking back, as far as POST, when I  
9           started. I started as a cadet when I was 19 years old.  
10          I knew nothing of POST. And, of course, as you become  
11          an officer, most of our officers know nothing of POST and  
12          what great responsibility people have here. And as you  
13          go through the ranks and as you come up through and you  
14          understand how important positions are and the decisions  
15          you people make, it's unbelievable for us as executives,  
16          as my position.

17          I get a little worried about the POST audit. They  
18          tell me that POST is coming to audit. I always don't  
19          like -- even as deputy chief, I was always a little  
20          worried about that. I tell them, "Check those books  
21          before they get them." Not "cook the books," just check  
22          them and make sure everything is okay.

23          But I've had some opportunities to go the national  
24          academy, FBI National Academy. No matter where you go in  
25          the country -- and I know everyone here, it's like



1 speaking to the choir -- but California is held in such a  
2 high regard. And I know it's held in such a high regard  
3 because of the POST standards that we keep.

4 It was about almost five years ago we have had two  
5 officers shot. One was killed here in Burbank. The  
6 other one was paralyzed. We still haven't gone to court  
7 on that. But former Chief Tom Hoefel and myself -- I was  
8 a captain at the time -- we were asked to speak regarding  
9 that, and we ended up doing a course called "*Crisis*  
10 *Leadership*." And when that was POST-certified, we did  
11 it as a request from several chiefs in California -- in  
12 Southern California. And then it grew to this class of  
13 "*Crisis Leadership*." And I'll tell you, once we got  
14 POST-certified, it was a totally different animal, and it  
15 totally brings a different weight to it.

16 And I can see -- we have been around the country,  
17 went to Hawaii, Alaska, Washington, we got to go back to  
18 the FBI National Academy. And just having the POST  
19 certification, I hope you all understand, and I'm sure  
20 you do, that it makes a whole different ball game for a  
21 lot of these courses what people represent from that.

22 I'm also pleased to tell you that we sponsor many,  
23 many POST classes here at the Burbank Police Department.  
24 In fact, I was checking through our records, and our  
25 department hosts all five of the perishable classes that

1       you teach, or that you require, all five of them.

2               So when I was looking, I told my training people to  
3       compare the rest of the cities to see who else does all  
4       five. And I was happy to see that there wasn't that  
5       many. So I'm happy to tell you that we here in Burbank  
6       take the training very, very seriously. We try to  
7       recruit the best possible officers we can. You know,  
8       that's my job now to interview them.

9               I was just talking to some people about interviewing  
10       some of these young people is strange for me. I'm seeing  
11       them coming on in their career. But I understand how  
12       important it is for training, and we take training very,  
13       very seriously here in Burbank. In fact, we just had a  
14       top-to-bottom audit.

15              Another thing is that, as chief, probably I wouldn't  
16       say it was my great thing to have; but the City Council  
17       voted to spend \$200,000 to audit my police department  
18       from top to bottom. They thought it might be a good time  
19       as I was a new chief. That's terrific, but the audit  
20       just came out. It's 250 pages, with 41 pages of  
21       recommendations. Most of them I will tell you, the audit  
22       came out very much in our favor and very good. And I  
23       would have to say, had it not been for POST and groups  
24       that require us, that have such high standards, the audit  
25       would have never come out that well. There was a lot of

1 busy work for me to do with that audit. And it just came  
2 out this week. You can probably see my eyes look a  
3 little tired because I've been going through it, waiting  
4 for City Council questions. But I know it is because of  
5 POST that helped a great deal, because of the level of  
6 training that we do here in California.

7 In closing, I'd like to welcome you to our city. I  
8 know you're already here so I can't really say, you know,  
9 "Stay out of trouble." I know this group is not like  
10 talking to a bunch of narcotics officers. I spent a  
11 great deal of time in narcotics in the old CNOA days, you  
12 know, when we were throwing chickens out windows. We  
13 don't do those things anymore. We're pretty good about  
14 trying to stay professional, and we certainly are. But  
15 if there's anything at all you need in the City of  
16 Burbank, please don't hesitate to call. Several people  
17 in the room know and everyone at the station knows me,  
18 they'll get ahold of me.

19 Welcome to Burbank and thank you very much.

20 CHAIR LINDEN: Thank you, Chief.

21 *(Applause)*

22 CHAIR LINDEN: This is time in the meeting where  
23 we'll take *Public Comment*.

24 Are there any members of the audience that wish to  
25 address the Commission during *Public Comment*? If so,

1 please step forward.

2 (No response)

3 CHAIR LINDEN: Seeing none, we'll move on to Item A,  
4 which is *Approval of Minutes*.

5 And our executive director wanted to explain the  
6 new minutes format before we take action.

7 MR. CAPPITELLI: Thank you, Madam Chair.

8 Good morning, everyone. I just wanted to mention,  
9 in your packet you'll notice that we have, in essence,  
10 two components to the minutes now.

11 The first is called an "Action Summary," which is  
12 nothing more than the agenda from the previous meeting  
13 and the action that was taken by the Commission on the  
14 various items on the agenda. That will be, from this  
15 point forward, available within ten working days of the  
16 Commission meeting. It will be sent out to all of the  
17 commissioners electronically, and it will be posted on  
18 the Web site, so that our client audience will have an  
19 opportunity at the earliest convenience to see what  
20 action was taken and what policy decisions were made.

21 The second component of our minutes is the  
22 transcription from Mr. Feldhaus. And those will be  
23 included in the packet, which will come to you when the  
24 agendas are given to you about a week and a half or so  
25 in advance of the meeting. And that's what you'll be

1 approving.

2 So when you approve the minutes, in essence, what  
3 you're approving is the action summary and the  
4 transcription. And so I just wanted to make that  
5 clarification.

6 CHAIR LINDEN: And just one minor procedural change  
7 for Mr. Feldhaus' benefit is, Commissioners, when you  
8 move an item or second an item, if you would please state  
9 your name before you make the motion or second. The  
10 dialogue is so quick that it's very difficult for the  
11 transcriber to tell who said what.

12 You don't need to do it if you're making comment or  
13 dialogue about an item; but when you do move or second,  
14 if you would please state your name first, he would  
15 appreciate it.

16 And with that, do we have a motion to approve  
17 the minutes?

18 COMMISSIONER LOWENBERG: Lowenberg moves approval of  
19 the minutes.

20 COMMISSIONER CAMPBELL: Campbell seconds it.

21 CHAIR LINDEN: So we have a motion by Commissioner  
22 Lowenberg, a second by Commissioner Campbell.

23 Any discussion on the motion?

24 *(No response)*

25 CHAIR LINDEN: All in favor, please say "aye."

1           *(A chorus of "ayes" was heard.)*

2           CHAIR LINDEN:   Any opposed?

3           *(No response)*

4           CHAIR LINDEN:   Thank you.   The motion carries.

5           The next part of the agenda is the *Consent* agenda.

6           We do have four items on consent.

7           Is there any commissioner that would like to pull  
8           any of the consent items for a report?

9           *(No response)*

10          CHAIR LINDEN:   Seeing none, I'll entertain a motion  
11          to approve the consent agenda.

12          COMMISSIONER DOYLE:   Doyle.   Moved.

13          COMMISSIONER HAYHURST:   Second, Hayhurst.

14          CHAIR LINDEN:   Commissioner Doyle moves the consent  
15          agenda, seconded by --

16          COMMISSIONER HAYHURST:   Hayhurst.

17          CHAIR LINDEN:   -- Commissioner Hayhurst.

18          Any discussion on the motion?

19          *(No response)*

20          CHAIR LINDEN:   All in favor, please say "aye."

21          *(A chorus of "ayes" was heard.)*

22          CHAIR LINDEN:   Any opposed?

23          *(No response)*

24          CHAIR LINDEN:   Thank you.

25          Our first non-consent item is Item C, *Request for*

1     *Contract Augmentation for Auditing Services.* And I  
2     believe Commissioner Sobek, you considered this at the  
3     Finance Committee.

4             And do you have a recommendation for us?

5             COMMISSIONER SOBEK: Yes, let me get my little notes  
6     here.

7             We recommend that we approve the expenditure for  
8     this.

9             Dick, do you want to explain this one a little bit  
10    better than me?

11            MR. REED: Good morning, Madam Chair, Commissioners.

12            This is a request for an additional \$39,000 to our  
13    contract with the Office of the State Controller for the  
14    sake specifically of auditing our VAWA grant, the  
15    Violence Against Women's grant.

16            Previously, we had audited in-house. Because we  
17    don't have the same expertise that we used to have in the  
18    auditing area and staffing issues, we're going to  
19    contract it out, like we do the rest of our audits.  
20    So what we want to do is get an additional \$39,000  
21    specifically for this audit.

22            The Controller's office already has a contract with  
23    us for \$356,000. And that's for the audits the  
24    Commission approved earlier. That's to audit training  
25    facilities. And this is to audit a grant.

1           So while we're requesting the extra money, we're not  
2           actually going to spend it, we just need to pro forma  
3           have it approved, and then we'll ask the Controller's to  
4           do one fewer of the other audits. So we won't go over  
5           the \$356,000 in all likelihood, but it is required that  
6           you approve the permission for VAWA grant.

7           We did check with the VAWA people. We wanted to use  
8           VAWA grant funds to audit it, and we were declined that  
9           request. They said you have to audit from your own  
10          funds.

11          CHAIR LINDEN: Okay, any questions for staff?

12          *(No response)*

13          CHAIR LINDEN: Do we have a motion to approve the  
14          *Request for Contract Augmentation for Auditing Services*  
15          for the VAWA grant in the amount of \$39,018?

16          COMMISSIONER HAYHURST: Hayhurst, so moved.

17          CHAIR LINDEN: Moved by Hayhurst.

18          COMMISSIONER VAN ATTENHOVEN: Van Attenhoven,  
19          second.

20          CHAIR LINDEN: Seconded by Commissioner Van Atten --  
21          Attenhoven -- it's too long -- by Gil.

22          COMMISSIONER VAN ATTENHOVEN: Thank you.

23          CHAIR LINDEN: This is a roll-call vote.

24          Karen?

25          MS. HIGHTOWER: Linden?



1 CHAIR LINDEN: Yes.  
2 MS. HIGHTOWER: Batts?  
3 COMMISSIONER BATTIS: Yes.  
4 MS. HIGHTOWER: Bui?  
5 *(No response)*  
6 MS. HIGHTOWER: Campbell?  
7 COMMISSIONER CAMPBELL: Yes.  
8 MS. HIGHTOWER: Doyle?  
9 COMMISSIONER DOYE: Yes.  
10 MS. HIGHTOWER: Duran?  
11 *(No response)*  
12 MS. HIGHTOWER: Hayhurst?  
13 COMMISSIONER HAYHURST: Yes.  
14 MS. HIGHTOWER: Lowenberg?  
15 COMMISSIONER LOWENBERG: Yes.  
16 MS. HIGHTOWER: Lundgren?  
17 COMMISSIONER LUNDGREN: Yes.  
18 MS. HIGHTOWER: McGinness?  
19 COMMISSIONER MCGINNESS: Yes.  
20 MS. HIGHTOWER: Perea?  
21 *(No response)*  
22 MS. HIGHTOWER: Smith?  
23 *(No response)*  
24 MS. HIGHTOWER: Sobek?  
25 COMMISSIONER SOBEK: Yes.

1 MS. HIGHTOWER: Van Attenhoven?

2 COMMISSIONER VAN ATTENHOVEN: Yes.

3 MS. HIGHTOWER: Anderson?

4 COMMISSIONER ANDERSON: Yes.

5 CHAIR LINDEN: Thank you. The motion carries  
6 unanimously.

7 The next item is Item D, *Report on the Process for*  
8 *the Performance Appraisal of the Executive Director.*

9 This was discussed at length in the Long-Range  
10 Planning Commission.

11 I see Hal is ready to give a report -- I'm sorry,  
12 Mike.

13 MR. DiMICELI: I wasn't sure who I was there for a  
14 minute.

15 CHAIR LINDEN: My apologies.

16 MR. DiMiceli: Good morning. As the Commission  
17 will recall from the July meeting, the topic of the  
18 performance appraisal for the executive director was  
19 discussed. And the Commission asked for some research  
20 and staff report.

21 The staff report was presented to the Long-Range  
22 Planning Committee last month. It includes, as you have  
23 in the report behind Tab D, the Commission's policy from  
24 1997 that specifies an executive committee that will  
25 oversee the performance appraisal and the Commission's

1 regulation, which is also in the report, which specifies  
2 an annual performance appraisal.

3 The staff report pointed out that the recent history  
4 of the Commission is that -- performance appraisal -- has  
5 not been routinely conducted and provided for the  
6 executive director.

7 Following the discussion of the Long-Range Planning  
8 Committee, the Committee adopted a process for the  
9 performance appraisal, and that process is laid out in  
10 the recommendation in the report. And should the  
11 Commission concur, the appropriate action would be a  
12 motion to form the executive appraisal committee,  
13 consisting of the Commission chair, the vice-chair, the  
14 immediate past chair, and one other commissioner to be  
15 appointed by the chair.

16 That the Commission hire a consultant to develop the  
17 appraisal process and conduct the appraisal.

18 That the appraisal be conducted on a calendar-year  
19 basis, which is different than the time period specified  
20 in the current regulation.

21 That the performance appraisal be conducted on a  
22 calendar-year basis with the minimum of six months  
23 between appraisals or after the hire of a new director.

24  
25 That the current evaluation be presented as soon as

1 possible, either at the January or April meetings next  
2 year.

3 And that after those processes are completed, that  
4 the Commission then, with staff input, revise the  
5 regulation and Commission's policy to conform to the new  
6 process.

7 CHAIR LINDEN: Thank you, Mike.

8 And we do have, if the Commission approves the  
9 recommended action today, sort of a framework for a  
10 realistic time-line for that. And that would be that --  
11 Dick Reed will be the staff lead on releasing an RFP for  
12 the consultant for the Executive Director appraisal, and  
13 that will be a fairly quick turn-around time.

14 The consultant would be selected by the Executive  
15 Appraisal Committee, in consultation with Mr. Reed, in  
16 conjunction with the Long-Range Planning Committee in  
17 December. The Executive Appraisal Committee would meet  
18 with the consultant, finalize the process for the actual  
19 appraisal, work out those details between December and  
20 about February. The consultant would actually do the  
21 work that's necessary for the appraisal of the executive  
22 director.

23 In March, again, in conjunction with the Long-Range  
24 Planning Committee meeting, prior to the April Commission  
25 meeting, the Executive Appraisal Committee and the

1 consultant would actually get together with the executive  
2 director and review the draft evaluation, so that he has  
3 a chance to receive that information before it comes to  
4 the entire Commission in a formal closed-setting manner.

5 There may be some things that he would like to be  
6 able to address the Commission about, to respond to,  
7 whatever it may be. But we think it's very fair that he  
8 have a chance to consider the information and to present  
9 any responses to the Commission which would occur in  
10 closed session at our April meeting where he would  
11 receive the formal appraisal from the entire Commission.

12 So I think that is still a fairly aggressive  
13 time-line. We don't believe we could get it done before  
14 the January Commission meeting. I think it's just too  
15 quick of a turn-around.

16 Any questions from the Commissioners, for either  
17 Mr. DiMiceli or the Long-Range Planning Committee?

18 *(No response)*

19 CHAIR LINDEN: Any other comments from Long-Range  
20 Planning?

21 Commissioner Batts?

22 COMMISSIONER BATTS: Just a quick question. Prior  
23 to the director getting the evaluation, is there a time  
24 that the body -- the full body of the Commission has  
25 input on that? And I may have missed that in your

1 presentation.

2 CHAIR LINDEN: We could do that at the January  
3 meeting. We could calendar a closed session at the  
4 January meeting without the executive director to receive  
5 full input from the Commission with the consultant.

6 Sure, we can actually -- if the Commission wants that, we  
7 can build that in.

8 The other way to do it would be would have the  
9 consultant actually contact individual commissioners as  
10 part of that process, to get their feedback in an  
11 individual setting rather than in a group session.

12 If we did it as a group, it certainly would be closed  
13 session. But I would leave that up to you on what you  
14 want.

15 COMMISSIONER LOWENBERG: Madam Chair, my assumption  
16 was -- maybe wrongly -- that we who are on this committee  
17 to select the consultant, that we encourage as part of  
18 the process that the consultant contact individually each  
19 commissioner, for each commissioner's input regarding the  
20 evaluation. So that was my assumption. So I'm hoping  
21 that that would come to fruition.

22 CHAIR LINDEN: I think either way could be done.

23 COMMISSIONER BATTS: I'm also okay with that. I  
24 just wanted to make sure that everybody had input into  
25 it.

1 COMMISSIONER LOWENBERG: Absolutely.

2 CHAIR LINDEN: And maybe the best way to do it --  
3 that might be a better question for the consultant, and  
4 we could certainly work out those details.

5 This was just really kind of just a rough time-line.  
6 I think the details of the process will need to be worked  
7 out with whatever consultant we can track with.

8 Our anticipation is the cost of it will be well  
9 within the executive director's authority to approve that  
10 contract.

11 Is that, Mike, your sense of it?

12 MR. DiMICELI: Yes, absolutely.

13 CHAIR LINDEN: Any other questions or comments from  
14 the Long-Range Planning Committee members?

15 *(No response)*

16 CHAIR LINDEN: Okay, would anybody like to move the  
17 recommendation for the five different actions that were  
18 summarized by Mr. DiMiceli?

19 COMMISSIONER DOYLE: So moved.

20 CHAIR LINDEN: Moved by Commissioner Doyle.

21 COMMISSIONER SOBEK: Sobek, second.

22 CHAIR LINDEN: Second by Commissioner Sobek.

23 Any discussion on the motion?

24 *(No response)*

25 CHAIR LINDEN: All in favor, please say "aye."

1           (A chorus of "ayes" was heard.)

2           CHAIR LINDEN: Any opposed?

3           (No response)

4           CHAIR LINDEN: And it will be my intention --  
5 assuming she agrees -- to appoint Commissioner Bui as  
6 the Commissioner at large to the Executive Appraisal  
7 Committee. She is not here, not had that discussion, but  
8 all the more reason to nominate her, so she can't say  
9 "no." I'm sure she will agree.

10          MR. CASAS: That will teach her not come to the  
11 meeting.

12          CHAIR LINDEN: That's it. That's it. You miss a  
13 meeting. See what happens.

14          COMMISSIONER SOBEK: Well, hopefully, she won't be  
15 unhappy about that, Paul.

16          MR. CAPPITELLI: That would be incentive for  
17 appearance.

18          CHAIR LINDEN: Okay, Item E is *Report on Commission*  
19 *Notification Policy Regarding Significant Matters.*

20          And I think, Mike, this is yours as well?

21          MR. DiMICELI: Yes. Once again, this topic arose  
22 at your last meeting in July. The Commission asked staff  
23 to prepare some information concerning existing policies,  
24 procedures, or structures with regard to the notification  
25 to the Commission as a whole or to individual



1 commissioners concerning matters that may arise from  
2 time to time.

3 The report, under Tab E, goes into some length to  
4 describe what is essentially an absence of structure or  
5 specific procedures that govern that relationship, but  
6 then describes how typically the executive director has  
7 interacted with both the chair of the Commission and with  
8 the full Commission with regard to matters that may arise  
9 concerning client agencies, officers, or other situations  
10 within staff.

11 As the report points out, in the most recent  
12 experience with the previous executive director for at  
13 least ten years, informal communication has been the  
14 policy and the practice wherein the executive director  
15 would typically talk with the chair of the Commission  
16 when matters went beyond kind of a routine status, and  
17 became critical that they may involve action by the  
18 Commission that revolved around significant matters of  
19 non-compliance, punitive actions, or actions that were  
20 about to become publicly critical, if you will.

21 Commissioners will recall a variety of incidents  
22 over the last number of years that are typical of the  
23 kinds of things that have required notification to the  
24 Commission and discussion. And I think one of those  
25 probably most prominent in recent memory was the issue

1 with regard to reserve officers in the Orange County  
2 Sheriff's Department, which was probably five, six years  
3 old now. The most recent issue with this Commission  
4 would have been the situation with the basic academy at  
5 Los Angeles County. And you just received information a  
6 week or so ago with regard to the City of Isleton Police  
7 Department. Those are typically the kinds of matters  
8 which have gone beyond a routine operational issue, and  
9 have reached kind of a critical mass when, in the  
10 judgment of the Executive Director, it has become  
11 necessary to notify the chair and then to discuss in what  
12 manner the Commission should become aware of these  
13 matters before an incident will come to the Commission to  
14 act as a formal body.

15 The Long-Range Planning Committee considered the  
16 report and had a considerable discussion; and the  
17 consensus of the Committee was that it was comfortable  
18 with the process, as I have described, wherein the  
19 Executive Director will communicate with the Chair, and  
20 the Chair will then provide direction as to when and how  
21 the Commission should be notified, whether individually  
22 or in a formal setting.

23 There are a variety of requirements that may come  
24 to play with regard to how the Commission reacts and  
25 responds as a body. And there are certainly Open Meeting

1       Laws that govern whether or not the Commission can decide  
2       anything as a group outside of this sort of a setting.  
3       And staff, of course, is always mindful of keeping the  
4       Commission separate and independent of those kinds of  
5       requirements. So there is always a concern about how  
6       notification is made and what kinds of matters are going  
7       to be discussed before the Commission meets as a group.

8               CHAIR LINDEN: Thank you, Mike.

9               There may be a little confusion about the proposed  
10       action, in that it almost implies sort of crafting and  
11       codifying a practice into a policy; and when this was  
12       discussed by the Long-Range Planning Committee, the  
13       consensus was simply to reaffirm the existing practice.  
14       We felt it was working and that it did not need  
15       modification, so to keep doing what we've been doing.

16              And so I think it was the intention of Long-Range  
17       Planning that the action to recommend to the Commission  
18       was just that: That the Commission reaffirms the  
19       existing practice without modifications rather than  
20       create a formal policy that would then go into policy  
21       manuals. So I just wanted to clarify what Long-Range  
22       Planning's intention was for that.

23              Are there any questions or comments by  
24       Commissioners?

25              *(No response)*

1           CHAIR LINDEN: I can also attest to the diligence of  
2           our executive director, because my cell phone rings a lot  
3           about his -- he's very, very good about recognizing  
4           issues that seem to be at least going in the direction  
5           that would warrant full Commission notification; having  
6           that discussion with me, with the Chair, and sort of  
7           keeping in contact so that there's good discussion about  
8           when this should really go out to the Commission, what  
9           meetings are taking place.

10           And I think staff is extremely diligent when there  
11           is an agency that is non-compliant, really making every  
12           effort to work with that agency before formal action is  
13           taken.

14           And that's really the time that staff really needs  
15           to be able to do that work, to work cooperatively with  
16           the agency to help them come into compliance. So he is  
17           really diligent. The times that the Commission has been  
18           notified, has really come from the executive director  
19           saying, "Hey, this needs to go out to the Commission as a  
20           whole."

21           Commissioner Batts?

22           COMMISSIONER BATTS: I'd like to applaud and to  
23           echo, I think we get more information now in a timely  
24           fashion, especially with BlackBerry messages and e-mails  
25           that come out on a regular basis that keep us up-to-date

1 on things. So thank you very much. I very much  
2 appreciate it.

3 MR. CAPPITELLI: Thank you.

4 CHAIR LINDEN: I agree.

5 Any other questions or comments from the  
6 commissioners?

7 COMMISSIONER LUNDGREN: Just to clarify the  
8 existing -- because I'm pretty new at this -- but the  
9 existing communication that went out.

10 CHAIR LINDEN: Correct. Do you mean the level of?

11 COMMISSIONER LUNDGREN: The level of, that we have  
12 been receiving.

13 CHAIR LINDEN: Correct, yes. Because it basically  
14 did come up at the last meeting, it basically would be us  
15 as a commission reaffirming what is happening is working,  
16 and that we're not suggesting any changes to that  
17 process.

18 COMMISSIONER LUNDGREN: Thank you.

19 CHAIR LINDEN: Do we have a motion to that effect?

20 COMMISSIONER LUNDGREN: Lundgren moves.

21 CHAIR LINDEN: Okay, moved -- and, Commissioner,  
22 what would be your motion, since there was --

23 COMMISSIONER LUNDGREN: My motion is to --

24 CHAIR LINDEN: Would it be to reaffirm --

25 COMMISSIONER LUNDGREN: To accept as written, as

1 approved by the Long-Range Planning Committee.

2 CHAIR LINDEN: So to reaffirm the existing process  
3 with no modifications?

4 COMMISSIONER LUNDGREN: Thank you, Madam Chair.

5 CHAIR LINDEN: Well said, Commissioner.

6 Do we have a second?

7 COMMISSIONER MCGINNESS: McGinness, second.

8 CHAIR LINDEN: Second by Commissioner McGinness.

9 Any discussion on the motion?

10 *(No response)*

11 CHAIR LINDEN: All in favor, please say "aye."

12 *(A chorus of "ayes" was heard.)*

13 CHAIR LINDEN: Any opposed?

14 *(No response)*

15 CHAIR LINDEN: Thank you. The motion passes.

16 Our next item is Item F, the *Report on the*

17 *California Law Enforcement Image Coalition.*

18 And who is --

19 MR. CAPPITELLI: It's Bob Stresak if the Commission  
20 desires any further information.

21 CHAIR LINDEN: Would any of the commissioners like  
22 a report on this item?

23 *(No response)*

24 CHAIR LINDEN: The recommendation is that the  
25 Commission suspend further support for the California

1 Law Enforcement Image Coalition and direct staff to  
2 incorporate the message of positive law enforcement  
3 accomplishments into other POST programs as appropriate.

4 COMMISSIONER DOYLE: Doyle moves.

5 CHAIR LINDEN: So moved by Commissioner Doyle.

6 COMMISSIONER BATTS: Second by Batts.

7 CHAIR LINDEN: Seconded by Commissioner Batts.

8 Any discussion on the motion?

9 COMMISSIONER CAMPBELL: The only thing that I wanted  
10 to repeat again is what we did at the Long-Range Plan.  
11 I think our officers deserve more than we're giving them  
12 as far as we need strongly to have somebody that's  
13 putting out good public relations. And most departments  
14 don't have anybody except an officer. They don't have  
15 somebody that is really connected with how to put out  
16 good P.R. And I think we're short-changing our officers,  
17 and I think it needs to be done. And I've said that  
18 over and over again, that I still feel we need to do  
19 something at the POST level to have either somebody here  
20 that understands really how to get good P.R. out there,  
21 that when there's something great done in the department  
22 so that it can be put out there, it can be put out there  
23 in the right way, instead of some idiot media guy  
24 blackballing our officers all the time.

25 CHAIR LINDEN: Thank you, Commissioner Campbell.

1 Any further discussion on the motion?

2 (No response)

3 CHAIR LINDEN: All in favor, please say "aye."

4 (A chorus of "ayes" was heard.)

5 CHAIR LINDEN: Any opposed?

6 (No response)

7 CHAIR LINDEN: Thank you. The motion carries.

8 Item G is *Acceptance of Federal Homeland Security*  
9 *Grant Funds and Contract to Provide Training to State*  
10 *Agency Law Enforcement Personnel.*

11 Do any commissioners wish a presentation on this  
12 item?

13 Mike is ready.

14 (No response)

15 CHAIR LINDEN: Okay, seeing none, the recommendation  
16 is a motion to accept the Federal Homeland Security  
17 funds, authorize the Executive Director to sign the  
18 amended contract to receive the funds from OHS, enter  
19 into a contract with the Willdan Homeland Solutions to  
20 provide the requested training courses in an amount not  
21 to exceed \$19,925.

22 COMMISSIONER SOBEK: Motion by Sobek.

23 CHAIR LINDEN: Moved by Commissioner Sobek.

24 Seconded by --

25 COMMISSIONER HAYHURST: Hayhurst.



1 CHAIR LINDEN: -- Commissioner Hayhurst.  
2 Any discussion on the motion?  
3 *(No response)*  
4 CHAIR LINDEN: This is a roll-call vote.  
5 Karen?  
6 MS. HIGHTOWER: Linden?  
7 CHAIR LINDEN: Yes.  
8 MS. HIGHTOWER: Batts?  
9 COMMISSIONER BATTIS: Yes.  
10 MS. HIGHTOWER: Bui?  
11 *(No response)*  
12 MS. HIGHTOWER: Campbell?  
13 COMMISSIONER CAMPBELL: Yes.  
14 MS. HIGHTOWER: Doyle?  
15 COMMISSIONER DOYLE: Yes.  
16 MS. HIGHTOWER: Dumanis?  
17 *(No response)*  
18 MS. HIGHTOWER: Hayhurst?  
19 COMMISSIONER HAYHURST: Yes.  
20 MS. HIGHTOWER: Lowenberg?  
21 COMMISSIONER LOWENBERG: Yes.  
22 MS. HIGHTOWER: Mr. Lundgren?  
23 COMMISSIONER LUNDGREN: Yes.  
24 MS. HIGHTOWER: McGinness?  
25 COMMISSIONER MCGINNESS: Yes.

1 MS. HIGHTOWER: Perea?

2 (No response)

3 MS. HIGHTOWER: Smith?

4 (No response)

5 MS. HIGHTOWER: Sobek?

6 COMMISSIONER SOBEK: Yes.

7 MS. HIGHTOWER: Van Attenhoven?

8 COMMISSIONER VAN ATTENHOVEN: Yes.

9 MS. HIGHTOWER: Anderson?

10 COMMISSIONER ANDERSON: Yes.

11 CHAIR LINDEN: Okay, thank you.

12 The motion carries.

13 Item H is the *Report on the Study of Driver*  
14 *Training*.

15 We do want a staff presentation. This is a  
16 tremendously important item that staff has done a lot of  
17 work. And we'll have a presentation by Bryon Gustafson  
18 who led the effort.

19 Welcome, Bryon.

20 MR. GUSTAFSON: Thank you, Madam Chair and  
21 Commissioners.

22 I'd like to briefly go through the agenda item and  
23 highlight the information there. And I'll reference the  
24 attachment for additional detail, and then I'll take  
25 whatever questions you have and see how we can answer

1 those.

2 As you know, this body, at its January 2008 meeting,  
3 approved suspension of the acquisition process for new  
4 Law Enforcement Driving Simulators pending a study of  
5 their effectiveness and the effectiveness of other  
6 methods of driver training.

7 And subsequently, staff established a Vehicle  
8 Operations Training Advisory Committee made up of a  
9 number of our stakeholders, both in California and  
10 nationally. And that body first met in March to put  
11 together the parameters for what this study would entail.  
12 And you approved that in April. We worked on it over the  
13 summer and gave you an update in July. And then in  
14 September, the VOTAC had its third meeting where we went  
15 over Volume 1, which is the attachment. And we named  
16 it "Volume 1" because we realized that there was a  
17 tremendous amount of information; and if we waited until  
18 all the work was done, it could be 400 pages and four  
19 years down the road.

20 So Volume 1 addresses a number of the tasks that you  
21 assigned us that are listed right there on the front page  
22 of the agenda item report, mainly to define the extent of  
23 the problem related to state and national data on vehicle  
24 collisions, injuries, and deaths being the most specific  
25 concern.

1           Identification of the elements that constitute an  
2           emergency-vehicle operations course or center, which was  
3           one of our first challenges.

4           Reviewing the literature, reviewing the programs,  
5           reviewing the costs.

6           And then what will be a highlight of this report is  
7           the correlation of POST training records with the DMV  
8           collision records.

9           And finally, looking at the academy driver-training  
10          program and the status of the LEDS equipment that we  
11          have.

12          If you look at the last two pages of the attachment,  
13          you will see a listing of the people who have been  
14          involved with the Vehicle Operations Training Advisory  
15          Council. And we have members from all of the stakeholder  
16          groups that you would expect to see here in California.  
17          And, as I mentioned, representatives from Utah, Michigan,  
18          Florida, FLETC, from the federal government level. Just  
19          a pretty broad cross-section of the people who are  
20          dealing with this very same issue outside of California.  
21          And the process that we went through was that staff  
22          gathered a number of facts and pieces of information, and  
23          then we brought them to the VOTAC each time to vet those  
24          ideas and facts to see what they actually mean. And so  
25          there is an old school of thought in policy analysis,

1     that the facts would speak for themselves, and sometimes  
2     they can be kind of confusing. And so we went with the  
3     interpretation body being the VOTAC, so that we could not  
4     just have one person's or two or three people's  
5     perspectives, but, you know, get the input of about  
6     35 fairly diverse voices to try and reach consensus on  
7     what we were looking at and what it meant. And that's  
8     what we did.

9             If you look at page 3 of the report, we addressed  
10    the findings there, beginning with a survey of the  
11    training facilities and programs that we have in  
12    California. And that's chapter 6 in the attachment,  
13    which gives an inventory of the various programs, the  
14    facilities, and the hours committed to different types  
15    of driver training, both in-service and basic training.  
16    The conclusion that the VOTAC brought away from that was  
17    that there are some notable differences in those  
18    programs. And so as we talk about the impact that has  
19    on collisions, we intuitively attribute that to some of  
20    the variance in those programs.

21            And we had a number of academics on the VOTAC who  
22    gave very helpful and critical insight into our process.  
23    And, you know, they would point out that you can't  
24    achieve a causative explanation of things based on those  
25    observances.

1           And so it's important for us to note that we can't  
2       say that just because a program is 24 hours, it's not  
3       as good as a program that's 40 hours. And that was one  
4       of the points that VOTAC took on, was that we see that  
5       there are differences there and we see that there are  
6       things going on, but we don't want to jump to  
7       conclusions. And I think that they would want that point  
8       made.

9           The second feat that we achieved was the correlation  
10      of the POST training records with the DMV collision  
11      records. And if you think of this as an investigation  
12      of sorts, it's kind of like getting all the evidence  
13      together. And so just that was a real hurdle. And we  
14      were glad to be able to do it, but there is still a lot  
15      of analysis to be done.

16           And Item 3 there, in the middle of the page, is the  
17      first piece of work, looking at that evidence. And it  
18      shows that the relationships between driver training and  
19      collision rates have been identified through empirical  
20      statistical analysis. And the succinct findings there  
21      are that EVOC training by itself, in various forms, can  
22      reduce the likelihood of peace officer collision by  
23      4 percent, 4 percent over just no training.

24           And then we looked at the simulator training by  
25      itself can reduce the likelihood of a peace officer

1 collision by 8 percent.

2 And finally, we see that a blend of EVOC and LEDS  
3 training can reduce the likelihood of peace officer  
4 collision by 10 percent.

5 The other point that came out in the analysis was  
6 that in-service driver training about every two years  
7 reduces the likelihood of collisions. And this was a  
8 nice finding for us, as we have had the perishable skills  
9 program in place for a number of years. And this has,  
10 indeed, verified that that two-year window is a good time  
11 frame to embrace for the perishable nature of those  
12 skills.

13 The report that you have attached there, about  
14 90 pages, is a summary of the information that we've come  
15 across. And so everything that we did is not entailed in  
16 that.

17 And so Professor Lasley from Cal State Fullerton,  
18 who did the statistical analysis for us, has run  
19 spreadsheet after spreadsheet of different analyses.  
20 And so there is a paragraph here towards the bottom that  
21 notes that when the data are analyzed from a number of  
22 different perspectives, if he puts in different scenarios  
23 into his analysis, he finds that the statistics above the  
24 EVOC, LEDS, and blended training statistics hold true.  
25 And so that's something that we should point out there.

1           A real big finding for us which, again, is  
2 intuitively true for us in law enforcement, is that speed  
3 is the most prevalent cause of injury collisions. One in  
4 three of the injury collisions that we've looked at over  
5 the last ten years is attributed to speed. About  
6 80 percent are fatalities in California -- peace officer  
7 fatalities have speed as a primary cause.

8           And one of the observations that VOTAC took note  
9 of is that we do not have a speed component in basic  
10 training. And if you look at that inventory, you can see  
11 the different speeds that academies are training at.

12           And, again, we cannot say that the lack of speed  
13 training is empirically a cause, but it's certainly  
14 notable.

15           Distractions and fatigue may be significant. And  
16 as we have gotten into this area of the research, we  
17 are finding that there are a lot of disparate opinions  
18 on that; and there's a number of studies that are still  
19 going on. And so it's clearly worth looking at.

20           I think most of us know that we don't do as well  
21 when we're tired, but shift work and emergencies tend to  
22 make that a necessary component. And so we are aware of  
23 that as an issue, but it's an item for future study.

24           And as I mentioned, the two-year window is an  
25 important component of the training. What we found was



1     that if you go through the data, officers who may have  
2     been out of compliance and they went three years or so  
3     without training tend to collide more. More collisions  
4     than those who are going to the training on the biennial  
5     basis.

6             Finally, we looked at the SWITRS data for ten years  
7     relative to police officers. There are three findings  
8     there. Unsafe speed, as I mentioned, is the primary  
9     cause; and then the second and third are automobile  
10    right-of-way and unsafe turning. And, those we can  
11    basically attribute to intersections being the  
12    right-of-way and turning instances that we encounter  
13    most often.

14            So we bring this report to you noting that there is  
15    a lot yet to be done. But there is information here that  
16    we can act on now while the work is ongoing.

17            There are a number of recommendations which, again,  
18    are on page 43 of the attachment and go into more detail.  
19    But in summary, we recommend immediately revitalizing  
20    the LEDS training program; continuing the 24-month  
21    standard for driver-training component of perishable  
22    skills; enhancing the FTO/PTO curriculum to include a  
23    driver-training component and increase the emergency  
24    vehicle operations components in the FTO/PTO field guide.

25            And so that is something that became apparent to us

1 as we looked at basic training, going into field  
2 training, being a continuation of that. There are very  
3 limited portions of the field training program that  
4 require assessment, use, et cetera, of emergency driving  
5 skills. And related to that, the training program for  
6 FTO/PTOs does not have a required component where the  
7 training officer learns about the EVOC components that  
8 they would be assessing their trainee or trying to assist  
9 their trainee in learning.

10 And the final recommendation, enhance basic academy  
11 driver training. And that's based on a broad survey.  
12 The basic-training aspect of the study would probably  
13 be another volume in and of itself. However, we note,  
14 looking statewide -- excuse me, nationwide -- you have  
15 a range of minimum hours, from 16-and-a-half hours,  
16 minimum, in Missouri, to 60 hours in -- I'm going to  
17 forget which state it is. But there are two or three  
18 states which have 60 hours. And so California, 24 hours  
19 is falling on the lower threshold of that spectrum of  
20 POST requirements.

21 Do you have questions?

22 CHAIR LINDEN: Commissioner Sobek?

23 COMMISSIONER SOBEK: I have a few.

24 First I'd like to make a comment. I think you did  
25 an excellence job on this report, and I commend you and

1 your staff for that.

2 MR. GUSTAFSON: Thank you.

3 COMMISSIONER SOBEK: As a vocal commissioner, in the  
4 beginning of this -- and the reason why I'm vocal, you  
5 know, I look around at the fellow commissioners, and I am  
6 a true stakeholder in this as a line supervisor who has  
7 to take this every two years. And I just completed my  
8 training not too long ago, I think right before the last  
9 meeting.

10 And we could -- I mean, we have a lot of studies  
11 here. We have a lot of reports -- the SWITRS information  
12 and all that stuff. And I think that's great stuff.

13 Have we talked to any of the line officers? Do we  
14 get feedback from any of the line officers, either  
15 deputies or officers, who actually are the stakeholders  
16 in this, who actually have to take this every two years  
17 to get input from them?

18 MR. GUSTAFSON: Not in the sense that I think you're  
19 asking about.

20 You mean, like their feedback on how they feel about  
21 the training or --

22 COMMISSIONER SOBEK: Correct.

23 MR. GUSTAFSON: All right, one of the directives  
24 that I was given was to do an empirical analysis.

25 Because for years, we've had anecdotal information. We

1 have gotten course feedback that, you know, the  
2 smiley-face-or-not test, "I liked it," "I didn't like  
3 it." And so there were very strong opinions on both  
4 sides of the issue on different types of training.  
5 And the direction that I was given was to put that all  
6 aside and just see what the statistics would tell us.  
7 So, no, we did not take a survey of that nature.

8 COMMISSIONER SOBEK: I would like to see that done,  
9 to see if that's possible, if we can put out a survey.  
10 And I don't know if that's possible to get every -- you  
11 know, as many people to do that.

12 The other thing is, on the recommendations, it  
13 doesn't show a price tag. I know we had a price tag  
14 prior to this, at a few meetings prior to this, but  
15 it doesn't show a price tag on some of these  
16 recommendations. And I'm concerned about the repair  
17 recommendation, where we are going to repair these LEDS  
18 systems that we have. I like the fact that we could  
19 purchase LEDS equipment, because we've talked about  
20 better equipment that's out there, that we can look at  
21 and purchase.

22 And, again, I've never been against the LEDS  
23 program; I just have been against what we have right now.  
24 And I really don't think in my heart that that works very  
25 well for the officers.

1           And I know there's some good stuff out there, and  
2           I've talked to the Executive Director on that.  
3           But if we're going to spend the money, I think we need  
4           to be careful on repairing these old antiquated systems  
5           that we have now. And I'm concerned about that. So  
6           that's something that we need to talk about.

7           MR. GUSTAFSON: One point that I'll make there is  
8           that the recommendation is to revitalize or lift the  
9           suspension of the process going forward. So that is why  
10          there isn't a dollar figure there, per se. We do have  
11          some estimates. But I think that before there would be  
12          any expenditures, you would have very clear data in that  
13          respect.

14          And then, again, on the issue of the fidelity of the  
15          simulators, there's a significant difference between  
16          simulators of, you know, even four or ten years ago,  
17          especially, and today's simulators. And, you know, I  
18          have sat in it and become seasick, if you will, and  
19          experienced that SAS, the Simulator Adaptation Syndrome.  
20          And it's not a fun thing, by any means. However, having  
21          seen some of the newer equipment, that should be reduced,  
22          is the expectation.

23          COMMISSIONER SOBEK: Yes, that's why I'm hoping to  
24          see some newer equipment within our regional training  
25          centers.

1 CHAIR LINDEN: Our Executive Director has a  
2 follow-up comment.

3 MR. CAPPITELLI: Yes, just a quick comment and then  
4 I'm going to defer to Assistant Director Deal to kind of  
5 guide us through what the process is, should you approve  
6 this recommendation.

7 Regarding the survey or surveying the actual users,  
8 I personally went to the driver-simulator trainers groups  
9 and heard their direct feedback.

10 Now, granted, this wasn't feedback directly from the  
11 individuals themselves who took the training, but the  
12 driver-simulator instructors cited several examples  
13 whereby students had given them positive feedback. So  
14 that was one of the mechanisms that we used. We didn't  
15 do a survey.

16 And the other thing I would say is that if we were  
17 to conduct some type of a survey, what I believe we  
18 would be surveying would be people's assessment of the  
19 equipment that they've been using or their experience  
20 with that equipment.

21 And I would suggest to you that the equipment that  
22 we've been using is outdated, it's antiquated, it is in  
23 poor working condition and really isn't reflective of the  
24 newest generation of equipment that we will be bringing.  
25 And so I think if I were to kind of blend that into the

1 presentation and the results of this study, it is our  
2 belief that we empirically have data now that suggests  
3 that we could somehow capture perhaps a 10 percent  
4 reduction, and that's using the worst equipment.

5 And so I believe that existentially we could say  
6 that there would probably be an improvement with better  
7 equipment even above and beyond that 10 percent. But  
8 certainly if it be your will or the will of the  
9 Commission that we try to get a greater feedback on  
10 those individuals, that we could do that. I would  
11 suggest that that might really delay the process and kind  
12 of set us back a little on the time-line with respect to  
13 trying to keep the perishable skills moving forward.

14 But with that, perhaps Mr. Deal could --

15 CHAIR LINDEN: I think Mr. Casas, Chair of our  
16 Advisory Committee, wanted to make a quick comment.

17 MR. CASAS: Very quickly, and I think Alan can speak  
18 to this in more detail than I can.

19 I just want to emphasize the fact that we've been  
20 waiting for a very long time to move forward on this  
21 issue. We've had a lot of training facilities and have  
22 been chomping at the bit, waiting to get new equipment  
23 and to move forward with training the people that need to  
24 be trained.

25 I'm proud to say, we have two stakeholders. Of

1 those stakeholders, two of them are on our advisory  
2 panel. And that would be Brent and Richard Lindstrom.  
3 And they played a big role, along with everybody else, as  
4 far as the subject-matter specialists to get this thing  
5 done.

6 I remember when we first spoke about this, the LEDS  
7 was the main factor of the conversation. And there was a  
8 number of tacts at that point but that was strictly for  
9 just the repair of the LEDS.

10 So I'm very happy. The Advisory Committee was very  
11 elated in the fact that this project was done extremely  
12 professional, very in-depth, and pretty much gave us the  
13 ammunition we needed to move forward. And we were very  
14 happy at our level that this thing was moving on.

15 CHAIR LINDEN: Thank you.

16 Mr. Deal?

17 MR. DEAL: If the Commission is inclined to approve  
18 the reactivation of efforts to secure driving simulators,  
19 consistent with this project, if you recall back in  
20 April 2007, this body approved a basic change proposal  
21 that allowed us to take funds from our reserve, roughly  
22 \$3 million in the first year, and then \$2 million  
23 thereafter in perpetuity. So we do have funds that are  
24 set aside for this purpose.

25 Regardless of the method that we took, it would



1     require a competitive bid. There are at least three  
2     viable candidates in terms of manufacturers of these LEDS  
3     equipment that have demonstrated they're interested in  
4     providing us with equipment. But we would use our LEDS  
5     folks to help us craft what the requirements are and then  
6     go to competitive bid. That would be part of it. And  
7     so at every stage along that process, the Commission  
8     would be kept informed.

9             One of the things that we had explored and then  
10     shared with the Long-Range Planning Committee in December  
11     of '07 was, rather than replacing incrementally, is to  
12     replace all 22 of the devices. We have a number of them  
13     that are non-functional entirely, some that are iffy,  
14     and some that do have some problems. But the change was,  
15     we discovered a mechanism by which we could actually  
16     purchase and then finance using the \$2 million per year  
17     that comes to us for this purpose as the means by which  
18     we would make payments.

19             Some of the initial estimates that we had from the  
20     LEDS equipment vendors when they came to POST and  
21     demonstrated their wares and gave us some price  
22     estimates, appreciate that those do not reflect  
23     pencil-sharpening until such time as we actually have  
24     a -- obviously, a competitive-bid process, I think that  
25     there will be some tightening up in terms of what those

1 costs are.

2 So we had one that was around \$8 million, and some  
3 that were a little bit higher than that. But they were  
4 well within our ability to cover that cost within budget  
5 change proposal funds that are earmarked for this.

6 CHAIR LINDEN: Thank you.

7 Paul?

8 MR. CAPPITELLI: Yes, just one other comment about  
9 speaking to the issue of maintenance and the equipment  
10 itself, and recognizing that in the last generation of  
11 the program, we reached a point, and it precedes me --  
12 and I don't mean this to be critical -- but it's a known  
13 fact that we reached a point where the equipment was  
14 starting to fail. And I think there at the front end of  
15 that program, as I recall, there was an expectation that  
16 the agencies themselves who undertook the perishable  
17 skills program would be responsible for the maintenance.  
18 And then when they reached that decision point, each  
19 agency, one by one, said, "We don't have the money to do  
20 that."

21 So with that being said, one of the things that  
22 we've been discussing as staff was trying to develop --  
23 and I don't know what it is or what it would look like --  
24 but we all are in consensus that we need to try to  
25 develop some type of a mechanism whereby we could capture

1 a revenue stream that could be set aside to make sure  
2 that the program continues to enhance itself as years go  
3 on so that we don't end up in the same situation where  
4 seven or eight years from now, the Commission is faced  
5 with a decision as to whether or not to spend another  
6 \$10 million or \$15 million, or whatever the price tag  
7 would be, on replacement of equipment. And so we are  
8 sensitive to the issue of maintenance. In this  
9 go-around, in this iteration, we would build that into  
10 the program to try to figure out a way to make sure it  
11 doesn't happen again.

12 CHAIR LINDEN: Thank you.

13 I just want to commend staff. The process itself  
14 was terrific, and I've talked to people who have sat on  
15 the VOTAC and been involved; and it's -- I think the  
16 findings are really informative and I think somewhat of  
17 a surprise compared to what we intuitively expected going  
18 in, especially dealing with antiquated equipment, which  
19 I think is getting at Commissioner Sobek's concerns.

20 Bryon, will VOTAC be kept intact to continue with  
21 the work from the study?

22 MR. GUSTAFSON: Yes, that's the expectation now.

23 CHAIR LINDEN: Good. So they'll keep working on the  
24 future things?

25 MR. GUSTAFSON: Yes.

1 CHAIR LINDEN: Great.

2 Any other questions from Commissioners?

3 Commissioner Batts?

4 COMMISSIONER BATTS: A simulator, how much -- what's  
5 the approximate cost of a simulator?

6 CHAIR LINDEN: Commissioner?

7 MR. DEAL: Roughly \$450,000.

8 COMMISSIONER BATTS: And we're looking to replace  
9 all 22 at one time?

10 MR. DEAL: Correct.

11 CHAIR LINDEN: Yes, finance it.

12 COMMISSIONER BATTS: How often does this technology  
13 improve? Are we on a three- or four-year window that it  
14 changes and shifts?

15 MR. DEAL: One of the advantages of having access to  
16 the \$2 million a year is, we would build in a replacement  
17 mechanism, so that over time, as equipments begins to  
18 fail, that would be built in. The issue, though, is that  
19 we have an expectation of about a five-year life  
20 expectancy for a driving simulator.

21 Ours are well beyond and, in most instances, at  
22 least double that amount of time. And baling wire and  
23 chewing gum are really what has kept those together.  
24 And, obviously, real dedicated committed people that are  
25 the trainers of LEDS have worked very hard to keep it up.

1 But probably about every five years.

2 COMMISSIONER BATTS: Does it make any sense to lease  
3 these things?

4 MR. DEAL: That's been one of the things that we  
5 have kicked around. And the Commission had given us  
6 previously the flexibility to look at the most economic  
7 way of doing that.

8 What we've heard in terms of feedback from some of  
9 the vendors is they're not particularly interested in  
10 providing leases. That's something that we might ask at  
11 the upcoming IACP conference. They have a vendor hall  
12 that is massive. If you've been to the San Diego  
13 Convention Hall, it's filled with vendors. And we expect  
14 all of the primary vendors to be there. That is  
15 something we can ask.

16 COMMISSIONER BATTS: I think we should use some  
17 leverage against those who's interested in that. That's  
18 a large amount of money that we're talking about  
19 expending. So I think there's some leverage there on  
20 our part.

21 MR. DEAL: Yes.

22 CHAIR LINDEN: Thank you.

23 Any other comments?

24 Mr. Sobek?

25 COMMISSIONER SOBEK: One more comment. I completely

1 agree with this FTO adding some more time into the FTO  
2 process, as an FTO supervisor. Some of these guys,  
3 depending on what time of the year you graduate from an  
4 academy, will never get foul-weather training. You know,  
5 it will never get any of it.

6 I don't know how we can fix that. But, you know,  
7 some of these guys, they'll pass an FTO program, and have  
8 never driven Code 3 in the rain, you know, other than  
9 their training at the academy. And that's an issue, and  
10 I don't know how -- I mean, that's for you guys to figure  
11 out. But I'm going to make a motion on this. I think  
12 we're on the right track, you know, to look at this.

13 I don't know if we need any of the commissioners to  
14 look at some of these new systems and make a report back.  
15 Probably not, I'm guessing. We could leave it up to the  
16 staff. But I was just concerned about the repair part of  
17 this. And I didn't want to dump too much money into the  
18 old systems that I think are useless.

19 So I'll make a motion on this recommendation here  
20 knowing that we're going to go forward. And you guys did  
21 a great job with this, and I appreciate it.

22 MR. GUSTAFSON: Thank you.

23 COMMISSIONER SOBEK: And I know the Commission does.

24 CHAIR LINDEN: So Commissioner Sobek has moved the  
25 staff recommendation.

1 Do we have a second?

2 COMMISSIONER LOWENBERG: Lowenberg, second.

3 CHAIR LINDEN: A second by Commissioner Lowenberg.

4 Any discussion on the motion?

5 *(No response)*

6 CHAIR LINDEN: All in favor, please say "aye."

7 *(A chorus of "ayes" was heard.)*

8 CHAIR LINDEN: Any opposed?

9 *(No response)*

10 CHAIR LINDEN: Thank you, gentlemen.

11 Good job, Bryon.

12 And I noticed, Alan, that you were a little slow to  
13 the table. Could it be that today is your birthday, and  
14 you didn't actually want recognition from the  
15 commissioners?

16 *(Applause)*

17 CHAIR LINDEN: Happy birthday. We won't hang you  
18 with our singing though.

19 And our Executive Director has a comment.

20 MR. CAPPITELLI: Yes. Madam Chair, I want to thank  
21 you for your support this past year. I had been in the  
22 job for about a month when I came forward and said,  
23 "I think we need to stop this moving train and do the  
24 study." And I want to thank you for your support and  
25 patience and confidence in us to do this.

1           But I want to mention -- it's been said, but I want  
2           to reiterate, special thanks to Bryon Gustafson and to  
3           Mike Hooper and to Alan Deal and for everybody involved  
4           in this study and for their leadership. And we greatly  
5           appreciate it.

6           And lastly, I want to mention that I made a  
7           commitment to the academy directors and coordinators at  
8           the last consortium. And I want to be on record as  
9           stating it here, which is: As we move forward and start  
10          to identify what these different changes will look like  
11          with respect to basic driver training, if it's hours, if  
12          it's equipment, components, et cetera, we will continue  
13          to work with our stakeholders and the academy directors  
14          and the coordinators to make sure that if there's any  
15          burden that's going to be placed upon them, financial or  
16          resource-wise, that we will work with them to mitigate  
17          that and make sure that they're involved in every step  
18          of the way. That was their concern as we discussed the  
19          recommendations itself. So I wanted to make that known.

20          And we'll continue to keep you informed of the  
21          progress, and we want to thank you very much for your  
22          support.

23          CHAIR LINDEN: Now that we know that Bryon gets sick  
24          in the simulators, there's your guinea pig right there  
25          for the new technology.



1 Mr. Lowenberg?

2 COMMISSIONER LOWENBERG: I don't want to belabor the  
3 point.

4 But you know what? We started this meeting with  
5 our host chief talking about why California POST has such  
6 a great reputation throughout this great nation. And  
7 I think this is a great example of how the system works,  
8 and we did the right thing. And with Commissioner  
9 Sobek's concerns, with the academy directors and  
10 coordinators, with the full Commission, with staff, we  
11 did the right thing. You know, it took a while, but we  
12 did the right thing.

13 So thank you, Paul, for your leadership and for your  
14 staff and for my fellow Commissioners, thank you because,  
15 again, this is an example of when we do it right, it  
16 comes out right. Thank you.

17 MR. CAPPITELLI: Thank you. Thank you very much.

18 *(Applause)*

19 CHAIR LINDEN: I also think Paul deserves an  
20 acknowledgment; but I think when he asked us to put the  
21 funding on hold to replace the simulators, my sense is  
22 that it wasn't because he thought that the study would  
23 show that the simulators were so valuable. I think it  
24 was probably the opposite. But to his credit, he and  
25 his staff went into this with a very open mind and were

1 very open to results that were a little bit different  
2 than I think what he expected in the beginning. So  
3 that's really important.

4 MR. CAPPITELLI: That's very true. Absolutely.

5 COMMISSIONER SOBEK: And he took some hits.

6 CHAIR LINDEN: He did take some hits.

7 MR. CAPPITELLI: And I have the scars to prove it.

8 CHAIR LINDEN: Yes, very much so.

9 Moving on to Item I, this is the *Report on Strategic*  
10 *Plan Objective B.1, regarding Establishing Instructor*  
11 *Training and Certification Requirements*. And the  
12 recommendation is to delete this strategic objective  
13 because it has been completed.

14 Do any Commissioners wish a presentation on this  
15 item?

16 *(No response)*

17 CHAIR LINDEN: Any questions for staff on it?

18 *(No response)*

19 CHAIR LINDEN: Seeing none, is there a motion to  
20 delete Strategic Plan Objective B.1 on the basis that  
21 it's been completed?

22 COMMISSIONER MCGINNESS: McGinness, so moved.

23 COMMISSIONER DOYLE: Doyle, second.

24 CHAIR LINDEN: We have a motion and a second.

25 Any discussion on the motion?

1 (No response)

2 CHAIR LINDEN: All in favor, please say "aye."

3 (A chorus of "ayes" was heard.)

4 CHAIR LINDEN: Any opposed?

5 (No response)

6 CHAIR LINDEN: The motion carries.

7 Item J is the *Amendment of the Museum of Tolerance*  
8 *Contract to Enable the Continuance of Attendance by State*  
9 *Agency Personnel.*

10 Do any commissioners wish a presentation on this  
11 item?

12 (No response)

13 CHAIR LINDEN: Any questions for staff?

14 (No response)

15 CHAIR LINDEN: The recommended action is to  
16 authorize the Executive Director to amend the contract  
17 with the Museum of Tolerance to enable state agency peace  
18 officers to attend MOT training courses and to initiate  
19 contracts with the appropriate state agencies to  
20 reimburse subsistence and travel by POST for state peace  
21 officer attendance at MOT training.

22 Do we have a motion?

23 COMMISSIONER VAN ATTENHOVE: Moved by Van  
24 Attenhoven.

25 CHAIR LINDEN: Thank you.

1 Do we have a second?

2 COMMISSIONER SOBEK: Sobek, second.

3 CHAIR LINDEN: Thank you.

4 Seconded by Commissioner Sobek.

5 Any discussion on the motion?

6 *(No response)*

7 CHAIR LINDEN: All in favor, please say "aye."

8 *(A chorus of "ayes" was heard.)*

9 CHAIR LINDEN: Any opposed?

10 *(No response)*

11 CHAIR LINDEN: Thank you.

12 COMMISSIONER ANDERSON: Madam Chair, for the record,  
13 I should abstain because POST may initiate contracts with  
14 DOJ specifically.

15 CHAIR LINDEN: Thank you. Commissioner Anderson  
16 abstains.

17 Okay, the next item is item K, *Report of the*  
18 *Long-Range Planning Committee.*

19 I actually think that we hit all of the significant  
20 items as we worked through the agenda.

21 Members of the committee, is there anything else  
22 that needs mention that we have not?

23 *(No response)*

24 CHAIR LINDEN: Okay.

25 *Report of the Finance Committee.*

1 Commissioner Sobek, anything else for --

2 COMMISSIONER SOBEK: All is fair at this time. I  
3 apologize.

4 CHAIR LINDEN: This is Item L.

5 COMMISSIONER SOBEK: This is Item L.

6 I had the honor to replace Commissioner Perea as the  
7 chair for this meeting.

8 And a couple things to report. This -- and when I  
9 talk about the report, it reflects the revenues that --  
10 through the first three months, that it's slightly more  
11 than originally anticipated, and it's also more than the  
12 amount received at this time last fiscal year. And it  
13 reflects the fiscal year for 2008 and '09.

14 The number of peace officer trainees and their  
15 training reimbursement is significantly less than the  
16 amounts for '07 and '08.

17 We talk about the budget and the expenditure  
18 summary. I was told everything is going smooth.  
19 And we're unable to tell what the impact will be on the  
20 \$2 million that was taken by the Governor. As you all  
21 know, the Governor and the Legislature has taken  
22 \$2 million from our budget. And we're not ready to talk  
23 about how that's going to impact our budget yet. We will  
24 see.

25 Staff has done a great job on our budget, and it's

1       gotten down to an available balance of \$52,425 of a  
2       budget authorized at \$58,312,000. So I'm glad somebody  
3       knows what they're doing on these books because that's  
4       pretty tight. So that's where we're at with that.

5               We've already approved the new amount for the audit  
6       that we talked about earlier.

7               And the Commission is -- actually, the budget  
8       committee is asking the Commission to approve this  
9       budget, \$58,312,000, as is.

10              CHAIR LINDEN: Okay, thank you.

11              And I don't think we need formal approval; correct?

12              MR. CAPPITELLI: No.

13              Let me defer to Dick.

14              Dick?

15              CHAIR LINDEN: Do we need formal Commission action  
16       on this, Dick, or not?

17              MR. REED: No.

18              CHAIR LINDEN: It was information only for Finance?

19              MR. REED: This is information only, and just for  
20       any questions.

21              CHAIR LINDEN: Okay.

22              COMMISSIONER SOBEK: One other thing, just for  
23       everybody's knowledge -- and I think everybody knows  
24       this -- that the Governor has asked the Legislature to  
25       come back to session in November. And we are

1 anticipating some more cuts, probably. We're hoping not.  
2 But something is going to happen, or he wouldn't ask them  
3 back. So let's keep our fingers crossed on that.

4 CHAIR LINDEN: Good. Thank you, Commissioner Sobek.

5 MR. DEAL: I would like to share one thing as a  
6 result of Mr. Sobek's last comment.

7 We have been more or less confirmed by finance that  
8 the \$2 million reduction that we see this year, that  
9 we're living with right now, will be carried over to next  
10 year. We don't know about the additional \$4 million out  
11 of our 24.10 money. We're trying to work with them to  
12 convince them not to do that, as that would have a bad  
13 effect on our reserves, which we would hopefully be able  
14 to use for BCPs. So we'll continue to work with the  
15 Administration on that and report back to you as soon as  
16 we know anything.

17 CHAIR LINDEN: Great. Thank you.

18 Okay, Item M is the *Report from the Advisory*  
19 *Committee*.

20 Chairperson Casas?

21 MR. CASAS: Thank you, Madam Chairman.

22 We had a very good meeting yesterday. We talked  
23 about several things, but I just want to highlight the  
24 most important issues that we addressed.

25 One of them being that we're still taking

1 nominations right now for the *Bud Hawkins Exceptional*  
2 *Service Award* and *Excellence in Training Award*. So for  
3 those of you that are not aware of the criteria for that  
4 or the award in general, simply go to the Web site, and  
5 you can be directed to that portion that discusses those  
6 awards. It gives you the full description of what they  
7 are, what they represent, that criteria, and including  
8 the application process. So please feel free to go there  
9 and nominate people for these awards because they are  
10 extremely important to POST and they mean a lot for the  
11 recipients that receive those.

12 The second thing we discussed is probably one of  
13 the most important, and that was the issue on  
14 reinstatement/restoration.

15 I'm going to dovetail off what Commissioner  
16 Lowenberg said about when the process works, we get  
17 positive results. And this is another example of our  
18 process working.

19 If you recall back in the day, in April, I believe  
20 it was, when this subject came to pass for us to decide  
21 on, it was a very sensitive subject. Very important to  
22 both labor and management. And it was an issue that  
23 initially some people would feel very strongly about that  
24 we could probably never rectify because we were so split  
25 on the issue.



1           The recommendation, if I'm correct, Chairman Linden  
2           initiated the conversation by saying, "Well, maybe we  
3           should put a group together or have stakeholders  
4           throughout the state, along with POST staff  
5           recommendations." And that's exactly what we did.

6           So we had three meetings throughout the state. All  
7           of them were well attended by both labor and management.  
8           I attended personally the one in Costa Mesa, and saw a  
9           bunch of facts and information coming in that was  
10          filtering through everybody there. Everybody was very  
11          candid, very open-minded, and just pushing forward with  
12          trying to resolve this issue.

13          And I understand the Sacramento meeting went just as  
14          good, if not better, as far as getting that process done.

15          So here we had a compilation of information and  
16          facts coming in with the assistance of some attorneys  
17          that show up there. I think Vince was there, and the  
18          Wilkinson attorney firm was there and had input as to how  
19          they felt -- what things need to be considered.

20          And all of the stakeholders, they really had a  
21          great part of this, a strong personal passion and part  
22          of this, showed up, and we got the job done. And the  
23          report we heard from Alan Deal during our Advisory  
24          Committee was extremely uplifting and positive; and it  
25          really solidified the fact that we can get things done if

1 we approach it in the right angle.

2 And here, we actually reached consensus. And I'm  
3 proud to say that the Advisory Committee felt very  
4 strongly that even though it's not agendized for this  
5 meeting -- it probably won't be agendized until the  
6 January meeting -- that we felt very confident that the  
7 solution, the bottom line, the summary of what happened  
8 at all those three meetings brought forth a solution that  
9 we could all feel comfortable with.

10 So I really like to praise -- really praise PORAC  
11 for allowing his staff -- Ron Cottingham allowing with  
12 his staff and allowing attorneys to show up. POST  
13 staff who did a fantastic job of putting this together,  
14 especially -- especially Shelley Spilberg. And I'm sorry  
15 she's not here to hear this. She did an outstanding job  
16 by walking into a beehive of sorts. And that's probably  
17 putting it very lightly. She came in and did a fantastic  
18 job of putting this together, of writing the facts up on  
19 the board and going through them line by line. It was an  
20 extensive process, and she did an outstanding job, along  
21 with Dick and others that were there. So, please, praise  
22 goes out to the POST staff on this one, Paul, on a good  
23 job they did.

24 MR. CAPPITELLI: Thank you.

25 MR. CASAS: So the bottom line on this, the summary

1 is that there is consensus that has been reached, and we  
2 discussed it and agreed with it, and wanted to send that  
3 message to the Commission, that the Advisory Committee is  
4 happy with what the turn-out was. So hopefully when it  
5 comes time to vote for this, nothing short of anything  
6 changing. I understand there's still some information  
7 coming in from people. So hopefully it won't change it  
8 too much, but that's our feeling at this point.

9 The other item we talked about was the first-aid and  
10 CPR presentation that was done by POST, they did a great  
11 job.

12 I don't know if they're going to -- I don't think  
13 they'll do the presentation here. But it was another  
14 fantastic outcome of POST putting together the right  
15 pieces to help agencies train their officers in first-aid  
16 and CPR online. And so it's another online  
17 accomplishment that POST did. We saw the presentation,  
18 and it was done very, very well. So we're happy with  
19 that.

20 And then the last thing I'd like to discuss is that  
21 we also had the elections. And I know all of you are  
22 very disappointed to hear this, but I am stepping down.  
23 But you're getting some fantastic people, one in my place  
24 and then the vice-chair position. We voted, and Nicki  
25 Woods is the new chairman. She'll be starting in

1 January. And the new vice-chair will be Brent Newman.

2 And he will be our vice-chair, and he will also be taking  
3 office in January. And I'm very happy and proud to be a  
4 part of the board again still and let them lead.

5 It's all yours.

6 The gavel goes to her come January.

7 MS. WOODS: Thank you, Mario.

8 MR. CASAS: With that being said, that's all that we  
9 discussed. We had a great meeting yesterday and a good  
10 time.

11 CHAIR LINDEN: Great.

12 Thank you, Mario. Congratulations to our new chair  
13 and vice-chair of the Advisory Committee.

14 Just to follow up on the reinstatement issue, this  
15 will be on our agenda for action in January. The process  
16 is still continuing. There is draft language that's  
17 still being vetted with various stakeholders, and that  
18 feedback is coming back. So it will be before Advisory  
19 Committee one final time prior to the January meeting,  
20 and then the chairperson of the Advisory will actually be  
21 able to forward the Advisory Committee's recommendation  
22 at our January meeting when we take action on this.

23 Thank you.

24 Anything else from Advisory?

25 MR. CASAS: No, ma'am.

1 CHAIR LINDEN: Moving on to *Legislative Review*  
2 *Committee*.

3 Commissioner Doyle was our substitute chair today.

4 COMMISSIONER DOYLE: It's not that I'm not prepared,  
5 but I'd like to call upon Bob Stresak.

6 MR. STRESAK: Good morning, Madam Chair and  
7 Commissioners. This was a discussion at the Legislative  
8 Committee. There was a feeling that this at least merits  
9 presentation to the Commission. It's consideration of  
10 proposed legislation. And as you all are aware, now is  
11 the window of opportunity to at least present legislation  
12 to the Capitol.

13 It's an oral report. You have no written material  
14 in front of you. And the issue is the result of our  
15 existing liaison with California background  
16 investigators. And during the recent meetings with the  
17 California background investigators, it was pointed out  
18 to us that background investigators continually face a  
19 problem with obtaining some additional information from  
20 the Department of Justice due to an existing Department  
21 of Justice policy that they have. And specifically, that  
22 deals with if an applicant has applied to multiple  
23 law-enforcement agencies and yours is now the sixth  
24 law-enforcement agency -- or the next law-enforcement  
25 agency to be applied to, the background investigators is

1     only privy to limited information and not allowed to view  
2     prior law-enforcement agency applications.

3             So the scenario would be that under difficult --  
4     under difficult circumstances, that if an applicant has  
5     applied to five agencies and has been denied employment  
6     by those agencies, your background investigator is not  
7     allowed, is not privy to that information.

8             If the applicant has applied to five agencies and  
9     has voluntarily rescinded an application, then it's a  
10    different issue. But in this particular case, background  
11    investigators feel that's a critical piece of perhaps  
12    negative information, important to your organization that  
13    you need to know. That's the scenario on that.

14            I've talked to the Department of Justice, including  
15    Commissioner Anderson on this issue. They are not  
16    opposed to any efforts to advance a legislative remedy to  
17    this.

18            There is one more step, they are waiting to present  
19    this to the Attorney General. And the feeling is that  
20    perhaps the recommendation will be that they will take a  
21    neutral position on any legislation that we seek.

22            The genesis of all this was, it began in the 1970s;  
23    that as the Department of Justice was barraged with  
24    lawsuits on the release of information, they had circled  
25    their wagons tighter and tighter on the policies of

1 releasing information, to the point where it is now, that  
2 background investigators have limited access.

3 So that's kind of it in a nutshell. I hope that's  
4 kind of clear to you.

5 The feeling is that POST didn't really have a  
6 Rottweiler in this fight, but at least we had a Labrador  
7 in this fight. And in the words of Commissioner  
8 Lowenberg, this would be the right thing to do to advance  
9 some legislation on this issue, in collaboration perhaps  
10 with Cal Sheriffs, Cal Chiefs, and POST.

11 Questions or comments?

12 CHAIR LINDEN: Any objections from the Commission or  
13 any commissioners to, at least, exploring the possibility  
14 of legislation to allow background investigators to  
15 access prior fingerprint submissions for application for  
16 other law-enforcement agencies?

17 COMMISSIONER DOYLE: Based on the discussion, I'll  
18 move forward a motion that we research the feasibility of  
19 sponsoring legislation to amend the DOJ fingerprint  
20 policy, and in conjunction with some of the other  
21 agencies -- State Sheriffs, Cal Chiefs, that Bob  
22 mentioned.

23 CHAIR LINDEN: Okay, thank you.

24 COMMISSIONER BATTS: Batts, second.

25 CHAIR LINDEN: Moved by Commissioner Doyle, seconded

1 by Commissioner Batts.

2 Any discussion of the motion?

3 *(No response)*

4 CHAIR LINDEN: All in favor, please say "aye."

5 *(A chorus of "ayes" was heard.)*

6 CHAIR LINDEN: Any opposed?

7 *(No response)*

8 CHAIR LINDEN: Any abstentions?

9 Commissioner Anderson?

10 COMMISSIONER ANDERSON: I'm sorry, why don't we --

11 CHAIR LINDEN: Would you like to abstain?

12 COMMISSIONER ANDERSON: I thought about that. I'm  
13 not sure if that's necessary, but go ahead and list me  
14 officially that way, in case there's a conflict with DOJ.  
15 That's fine.

16 CHAIR LINDEN: Okay, good. Thank you.

17 Thank you, Bob.

18 MR. STRESAK: Thank you.

19 CHAIR LINDEN: Moving on to *Correspondence*, the  
20 Executive Director and I received several letters of  
21 correspondence that are copied and noted in your binder.

22 Any question or need for discussion on  
23 correspondence?

24 *(No response)*

25 CHAIR LINDEN: *Old and New Business. 50th*



1     *Anniversary Open-House Reception.*

2             Mr. Executive Director?

3             MR. CAPPITELLI: Thank you.

4             Just for the sake of time, I'll just let you know  
5     that the effort is moving forward very well. Assistant  
6     Director Reed is providing leadership to a group of folks  
7     internally, with staff, to try to make the event a great  
8     success. We've been reaching out to former members of  
9     staff and former directors and other stakeholders who  
10    would have an interest in bringing something to the table  
11    in anticipation of our 50th anniversary.

12            And just as a reminder, that would be held at our  
13    July Commission meeting, which will be in Sacramento.  
14    And we'll continue to provide you with more details as  
15    the date approaches. But perhaps at the January meeting,  
16    we'll have Mr. Reed present just a thumbnail sketch of  
17    what's going on for information purposes, a verbal report  
18    at this juncture about what we're doing. And we'll give  
19    you more details. But the effort is moving forward very  
20    well.

21            MR. CASAS: Will Paul's staff be manning the  
22    barbecues?

23            MR. CAPPITELLI: Manning the barbecue, yes.

24            CHAIR LINDEN: That will be Advisory Committee.

25            MR. CAPPITELLI: I believe it's heavy

1 hors d'oeuvres. Heavy hors d'oeuvres.

2 CHAIR LINDEN: Thank you.

3 We do have a request from the California Highway  
4 Patrol, Assistant Commissioner Prieto, to reappoint Brent  
5 Newman to the POST Advisory Committee representing the  
6 California Highway Patrol.

7 Brent, are you sure you want to do that?

8 MR. NEWMAN: *(Nodding head.)*

9 CHAIR LINDEN: Any questions from staff or  
10 discussion about that?

11 And if not, do we have a motion to reappoint Brent  
12 Newman to the POST Advisory --

13 COMMISSIONER LOWENBERG: Lowenberg moves.

14 COMMISSIONER CAMPBELL: Second, Campbell.

15 CHAIR LINDEN: Thank you.

16 Any discussion on the motion?

17 *(No response)*

18 CHAIR LINDEN: All in favor, please say "aye."

19 *(A chorus of "ayes" was heard.)*

20 CHAIR LINDEN: Any opposed?

21 *(No response)*

22 CHAIR LINDEN: Any abstentions?

23 *(No response)*

24 CHAIR LINDEN: Thank you.

25 Some dates to remember that are on your agenda for

1 Long-Range Planning Committee meetings and Commission  
2 meetings. And just a reminder that from this point out,  
3 all of those meetings will be held in Sacramento to save  
4 money for staff travel, to avoid staff having to travel  
5 to these meetings.

6 Is there anything else for the good of the order  
7 from the Commission?

8 COMMISSIONER DOYLE: What time is the Long-Range  
9 Planning Committee meeting in Sacramento?

10 CHAIR LINDEN: It should it should be at 10:30;  
11 right?

12 MR. CAPPITELLI: Mr. DiMiceli, 10:30; right?

13 MR. DiMICELI: Yes.

14 MR. CAPPITELLI: Okay, thank you.

15 CHAIR LINDEN: And you'll receive travel  
16 arrangements and notice from Karen or Daria about that.

17 MS. HIGHTOWER: Yes. I can comment on that.

18 CHAIR LINDEN: They're holding that later so those  
19 of us from the south can get there.

20 Okay, anything else?

21 Thank you all. Travel safe.

22 Meeting adjourned.

23 *(The gavel was sounded.)*

24 *(The meeting concluded at 11:30 a.m.)*

25 --oOo--

**REPORTER'S CERTIFICATE**

I hereby certify that the foregoing proceedings were duly reported by me at the time and place herein specified;

That the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

In witness whereof, I have hereunto set my hand on November 10, 2008.

---

Daniel P. Feldhaus  
California CSR #6949  
Registered Diplomat Reporter  
Certified Realtime Reporter